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### FIRST GENERAL COUNSEL'S REPORT

SENSITIVE

MUR: 4721

DATE COMPLAINT FILED: Feb. 19, 1998 DATE OF NOTIFICATION: Feb. 24, 1998 DATE ACTIVATED: Oct. 27, 1998

STAFF MEMBERS: Xavier K. McDonnell

Cynthia Nixon

COMPLAINANT: Michael R. Cys

RESPONDENTS: Didrickson for US Senate

Tom Hughes, as treasurer

Chicago Sightseeing Company, Inc. d/b/a/ American Sightseeing

Company

RELEVANT STATUTES: 2 U.S.C. § 441a

2 U.S.C. § 434 2 U.S.C. § 441b

11 C.F.R. § 100.7(a)(1)(iii)(A), (B)

11 C.F.R. § 104.11(b) 11 C.F.R. § 116.3

INTERNAL REPORTS CHECKED: DISCLOSURE REPORTS

FEDERAL AGENCIES CHECKED: NONE

### I. GENERATION OF MATTER

The Office of General Counsel received a complaint from Michael R. Cys alleging violations by Didrickson for U. S. Senate and Tom Hughes, treasurer ("Didrickson campaign" or "campaign"), the authorized campaign of Loleta Didrickson, the Illinois state comptroller who

ran for the Republican Senate nomination in Illinois.<sup>1</sup> The complaint alleges that the Didrickson campaign failed to report expenditures for a bus leased by the campaign and that it accepted a corporate and/or excessive contribution in connection with the value of that bus. Responses denying the allegations have been received from the Didrickson campaign and the Chicago Sightseeing Company, Inc, d/b/a/ American Sightseeing Company ("CSC").

### II. APPLICABLE LAW

The Federal Election Campaign Act of 1971, as amended (the "Act" or "FECA") requires that each political committee report any expenditures made and debts incurred during the reporting period. 2 U.S.C. § 434(b)(4)(A). Any debt in excess of \$500 must be reported as of the date it is incurred. 11 C.F.R. § 104.11(b). The Act prohibits any corporation from making a "contribution" in connection with a federal election and prohibits any political committee from knowingly accepting such a contribution. 2 U.S.C. § 441b(a). A "contribution" is defined to include any gift of services or "anything of value" made in connection with a federal election. 2 U.S.C. § 441b(b)(2). The term "anything of value" includes all in-kind contributions and the provision of any goods or services without charge, or at a charge which is less than the usual and normal charge. 11 C.F.R. § 100.7(a)(1)(iii)(A). The "usual and normal" charge is the price of the goods in the market from which they ordinarily would have been purchased at the time of the contribution, i.e., the fair market value. 11 C.F.R. § 100.7(a)(1)(iii)(B). An incorporated vendor may extend credit to a political committee provided that it is extended in the ordinary course of

Mr. Cys is reportedly the former manager for the U.S. Senate campaign for Peter Fitzgerald, who defeated Didrickson in the 1998 Illinois Republican primary for the U.S. Senate seat formerly held by Carol Mosley Braun.

business and the terms are substantially similar to extensions of credit given to nonpolitical debtors that are of a similar risk and size of obligation. 11 C.F.R. § 116.3(b).

The Act limits the amount that persons may contribute to any candidate for federal office to \$1,000 per election. 2 U.S.C. § 441a(a)(1)(A). Candidates and their authorized committees are prohibited from knowingly accepting contributions in excess of the limitations at Section 441a. 2 U.S.C. § 441a(f). The Act provides that the Commission may find that violations are knowing and willful. 2 U.S.C. § 437g. The knowing and willful standard requires knowledge that one is violating the law. Federal Election Commission v. John A. Dramesi for Congress Committee, 640 F. Supp. 985 (D. N.J. 1986).

## III. SUMMARY OF COMPLAINT AND RESPONSES A Complaint

The complaint alleges that the Didrickson campaign failed to initially report expenses and debts incurred in connection with a bus leased for use and for advertising during the 1997-98 campaign. It also claims that the value of the lease of the bus could be \$120,000 or higher and that there may have been an improper extension of credit, thus resulting in a corporate or excessive contribution. The complaint points to disclosure reports, various news articles and a Didrickson campaign news release and web site. These sources indicate that the Didrickson campaign used a forty foot tour bus that was "shrink wrapped in a bright red 'Loleta for Senate Republican 1998' banner." Complaint at Exhibit B, item 1, page 2. The bus was reportedly used on a 13 city tour undertaken by the candidate from November 5-7, 1997, and for other events in February of 1998.

The complaint alleges that since the bus was wrapped with the Loleta banner from November through February of 1998, CSC was "effectively precluded" from leasing it to any

other party. As the complaint calculates the fair market value of the bus at \$800 per day,<sup>2</sup> plus \$10,000 for the wrap/banner and \$4,800 per month for advertising, it concludes that the total value of the bus from October through February (when the complaint was filed) was \$120,000. The complainant contends that the \$120,000 does not even include the cost of a driver, insurance, or a security deposit.

As the Didrickson campaign did not report any expenses or debt for the bus on its 1997 year end report, yet reported other debts totaling \$54,735.10, the complaint claims that the reporting violation was knowing and willful. The complainant further alleges that, at a minimum, the extension of credit by CSC was not in the ordinary course and resulted in a prohibited corporate or excessive contribution.

### B. Responses

The Didrickson campaign acknowledges that it failed to report the expenses incurred for the use of the bus on its 1997 year end report, claiming that this was an oversight by its accountant. The campaign enclosed a letter from its accountant, apologizing for the failure to report "some accounts payable," including the debt owed to CSC. Attachment 1 at page 21. The campaign's accountant asserts that the debts were "inadvertently omitted." <u>Id.</u> The campaign asserts that it amended its 1997 year end report to disclose the expenses incurred during 1997 related to the bus.

Counsel for the campaign asserts that the bus was only leased by the Didrickson campaign for a total of six days (November 5-8, 1997, and February 7 and 14, 1998). Counsel

The per day figure relied on by the complainant may have come from Fran Ferrone, an owner and executive of CSC, who purportedly told one local newspaper that the bus could cost as much as \$800 per day. See Attachment 1 at page 4.

notes that the campaign paid a separate monthly advertising fee for the pro-Didrickson campaign banner which remained on the bus through February 18, 1998. Didrickson response at page 2. Moreover, he asserts that although the campaign banner remained on the bus, the vehicle was in the possession of CSC for all but the six days for which the campaign was charged for it. Counsel asserts that the complainant's claim that CSC was precluded from leasing the bus to others while the banner remained on it is "totally ludicrous" and inconsistent with industry practice. Didrickson response at page 2, footnote 2. Counsel states that it is the campaign's understanding that CSC leased the bus to other clients while the Didrickson campaign banner remained on it.

The campaign paid CSC \$500 per 12 hour day for the use of the bus. The campaign asserts that it contacted several bus companies and that the terms offered by CSC were the most favorable. The campaign paid CSC \$3,360 per month for advertising via the pro-Didrickson "wrap" or banner. The campaign produced invoices in support of its assertions. Although the response mentions a contract that was initially sent in error to the candidate's place of employment (the State comptroller's office), it is unclear whether that was actually a reference to an invoice. See Didrickson response at page 3, fn. 3. In any event, the response does not include a copy of any written contract. The response from the campaign includes a document entitled "contract cancellation" indicating that an agreement between CSC and the Didrickson campaign was "terminated" on February 18, 1998. The campaign paid CSC \$400 to have the banner removed on February 28, 1998.

The campaign paid another vendor, Ace Sign Company, \$4,040, to prepare the wrap or banner. The campaign enclosed an invoice from Ace Sign, dated November 17, 1997, in the amount of \$4,040. The invoice indicates that the bus was wrapped on November 4-5, 1997.

CSC, which is identified in its response, public documents and by the Didrickson campaign as an incorporated entity, confirms the campaign's assertions regarding the cost of the lease and advertising on the bus. It also states that the price that it charged the Didrickson campaign for the use of the bus was the "normal price." See response of CSC, dated March 9, 1998, at page 1. CSC states that the campaign only had possession of the bus for six days and that on all other days the firm used the bus "for its other clients." *Id.* CSC also enclosed invoices related to its agreement. The invoices from CSC are as follows:

Invoice #	Invoice Date	Services	Date of Services	Amount
11199	Jan. 10, 1998	Advertising (Banner)	Nov. 9-Dec.8, 1997	\$ 3,360
11200	Jan. 10, 1998	Advertising (Banner)	Dec. 9, 1997-Jan. 8, 1998	\$ 3,360
11247	Feb. 9, 1998	Bus use (4 days)	Nov. 5-8, 1997	\$ 2,000
11267	Feb. 11, 1998	Advertising (Banner)	Jan. 9-Feb. 8, 1998	\$ 3,360
11295	March 4, 1998	Bus use (2 days)	Feb. 7 & 14, 1998	\$ 1,000
11296	March 4, 1998	Advertising (Banner)	Feb. 9-Feb. 28, 1998	\$ 3,340
11298	March 4, 1998	Removal of Banner	Feb. 28, 1998	\$ 400
			TOTAL	\$16,820

Attachment 1 at pages 11-17. The CSC invoices each state that payment is due within 10 days and that 1.5% per month will be added to items paid after the due date. When the campaign amended its 1997 year end report after the complaint in this matter was filed, it disclosed debt to CSC totaling \$2,000 for "charter bus." Attachment 1 at page 23. This appears to have been for the bus use during November of 1997. The amended year end report did not disclose the \$3,360

The complainant alleges that the campaign began using the bus on October 25, 1997, but fails to provide anything in support of that claim and the information at hand indicates that the banner was put on the bus on November 5, 1997.

incurred by the campaign for the advertising from November 9-December 9, 1997. The campaign's 1998 disclosure report indicates that it paid CSC a total of \$8,720 on February 17, 1998, and paid Ace Sign Company \$4,040 on February 18, 1998. However, as of the date of this report, the campaign still reports owing \$8,100 to CSC.

### IV. ANALYSIS

First, debt owed to CSC for the use of the tour bus and the advertising via the proDidrickson banner on the bus, incurred during November and December of 1997, totaling
\$5,360, and debt owed to Ace Sign Company for placing the banner on the bus, totaling \$4,040,
was not reported on the campaign's 1997 year end report. The campaign amended its 1997 year
end report in February of 1998 to disclose the \$2,000 owed to CSC and the \$4,040 owed to Ace,
but that was only after the issue was brought to press attention by Didrickson's opponent.
Additionally, even the campaign's amended year end report failed to disclose \$3,360 of the
\$5,360 incurred to CSC during 1997. It thus appears that the Didrickson campaign and its
treasurer violated 2 U.S.C. § 434 by filing an inaccurate disclosure report.

As referenced in the campaign's response to the complaint and a letter enclosed therein, there was a failure to report more than just the costs incurred related to the bus. In reviewing the campaign's amended year end report which identified the debt to CSC, it became apparent that the campaign failed to report debt totaling \$49,127.40, including \$22,675 for "Event consulting," \$19,690 for "Event facility" and \$4,037 for use of a plane and "Sen. Dole transportation." See Attachment 1 at pages 24-26. Thus, while the campaign originally reported total debt of \$54,735.10, its amendment report, filed after the failure to report the expenses for the bus received press attention, disclosed total debt of \$103,862.50. Compare attachment 1, pages 22 and 27. Indeed, the amended report showed almost double the debt of the initial year end report,

offering a drastically altered view of the Didrickson campaign's financial situation. The failure to report such sizable debt raises questions, particularly given that it was omitted on a report filed in the midst of this competitive primary election in which press attention was focused on the Didrickson campaign's finances and its ability to mount an effective challenge to her well-financed opponent Peter Fitzgerald. Attachment 1 at pages 6-7.

The letter from the campaign's accountant, enclosed with the response to the complaint, states that it "inadvertently omitted some accounts payable" and emphasized "that there was no deliberate attempt to hide any pertinent information from the public." Attachment 1 at page 21. The campaign's cover letter for the amended 1997 year end report suggests that many of the debts were initially omitted because they were "not invoiced until after January 1. 1998." and that they were included to "adhere to the strictest interpretations of FEC law." Id. at 20. The response, however, does not reveal which of the debts that were not initially reported were invoiced prior to the close of the 1997 reporting period. Moreover, contrary to the respondents' suggestions, the Commission's regulations explicitly require that debts in excess of \$500 be reported as of the date they are incurred. See 11 C.F.R. § 104.11(b). Thus, even if the invoices for any of the debt included in the campaign's amended report were not issued or received until after January 1, 1998, this did not obviate the requirement that the campaign include such debt in its 1997 year end report. Additionally, any written contracts that were made, including agreements to make any expenditures, were considered expenditures as of the dates such contracts were made or executed. See 11 C.F.R. § 100.8(a)(2). As such, written contracts entered into in 1997 for services or goods provided during that period were reportable on 1997 disclosure reports. In any event, it appears that the Didrickson campaign and its treasurer violated 2 U.S.C. 6 434(b) by failing to report debts incurred during 1997.

Second, the information at hand raises questions and leaves unclear whether an in-kind corporate contribution was made and accepted in connection with the campaign's use of the tour bus with the pro-Loleta Didrickson banner. This Office currently lacks any independent information to determine the fair market value for the daily use of the bus, specifically whether it was \$500 per day, or, as the complainant's claim, \$800 per day plus any costs for the driver, insurance, etc. On its public internet cite, CSC indicates that it charges \$260 for a 47 passenger bus ride from Chicago airports to downtown Chicago, with a total of two hours waiting and driving time, and with a \$50 charge for each additional hour. Although it is unclear whether this airport service is considered within the bus tour industry to be comparable to the type of charter at issue in this matter, applying those internet advertised fees to the services at issue here, it would appear that the fair market value would be close to the \$800 per day fee quoted by the complainants. In fact, given factors such as mileage, fuel and service costs, it would appear more reasonable to conclude that daily tours of multiple cities spread out across the State, like the ones undertaken by the campaign on November 5-7, 1997, would cost far more than a trip to downtown Chicago from one of the local airports.<sup>5</sup>

In any event, the underlying terms of the agreement are currently unknown. For instance, it is unclear whether \$500 per day included a driver, insurance and fuel. Questions are also raised about the 12 hour rental period. The campaign's printed itinerary for the November 5-7

As it appears from CSC's response and public information, as well as from the campaign's 1998 debt settlement plan (see infra, fn. 8), that CSC is incorporated, this matter will be pursued as a Section 441b(a) violation rather than the Section 441a alternative which the complainant also alleges.

The Didrickson campaign's web site states that during the three day bus tour in November, 1997, it "logged more than 1,100 miles" on the bus. Complaint at Exhibit A.

bus tour includes 13 cities spread out over various locations across the State, with distances that would not appear to permit the Didrickson campaign to return the tour bus to CSC in Chicago each evening. Attachment 1 at page 10. If so, it is unclear why the campaign was only charged for 12 hours rather than for a 24 hour period. It is also unclear whether the corporation paid any costs associated with overnight stays, e.g., any expenses incurred for a bus driver, etc.

Other factors raise questions about the terms of the agreement. While the campaign used the bus on November 5-7, 1997, the CSC invoice for such use is dated February 9, 1998. The February 9<sup>th</sup> invoice date corresponds with when, according to press reports, Didrickson's opponent had first brought the issue to public attention. See Attachment 1 at page 1 (stating that after the opponent raised the issue, the Didrickson campaign "scrambled' on 2/9 to file updated FEC reports"). The February 9, 1998 invoice date raises a question as to whether the campaign would have even been billed for the use of the bus if the issue had not been brought to light by Didrickson's opponent.<sup>6</sup> Moreover, the cancellation of the agreement on February 19, 1998, right after issues related to the bus came to press attention and this complaint was filed, raises the question of whether the terms for the use of the bus (and perhaps also the costs for the advertising via the pro-Didrickson banner) may have been more favorable than CSC might have provided to others.<sup>7</sup>

In contrast, the invoice for the campaign's advertising during November and December of 1997, is dated January 10, 1998. This suggests that CSC intended from the outset to bill the campaign for the advertising via the bus. Of course, as discussed next, the late billing for the use of the bus and the advertising also raises questions.

The complainant's assertion that the total value of the use of the bus was in the range of \$120,000 appears to be without merit. Most of this amount is based on the premise that the bus was in the possession of the Didrickson campaign for the entire time frame at issue (November 5, 1997 through February 1998) or that CSC was precluded from renting the bus to others while it was wrapped in the pro-Didrickson banner. As noted, both the campaign and CSC claim that the

It is currently unclear whether there was a written instrument, other than the invoices, evidencing the terms of the agreement between CSC and the campaign for the use of the bus and the advertising. While the campaign makes a vague reference to a written contract in its response at footnote 3, and has provided a copy of a written document evidencing that the contract was canceled, no written contract has been provided. We note that the document entitled "contract cancellation" does not include a cross reference to any written instrument or provide the date to any such written agreement (as is the usual practice). This suggests that there may not have been any written contract. Indeed, if there was no written contract, questions are raised about whether this was the usual manner in which CSC conducted business. In light of the foregoing, an examination of the underlying facts appears necessary.

Finally, questions are raised about whether the extension of credit by CSC was in the ordinary course of business. See 11 C.F.R. § 116.3(b). The invoices suggest that CSC usually required prompt payment; each invoice states that payment must be made within 10 days or a 1.5% per month charge would be added. Yet CSC did not follow that policy with the Didrickson campaign. It was not until February of 1998 that CSC even issued the \$2,000 invoice for the campaign's use of the bus in November of 1997 and it was not until January 10, 1998 that CSC issued the invoice for the bus banner advertising from November 8 though December 8, 1997. These invoices, totaling \$8,720, were not paid until February 17, 1998, after this issue received press attention. Despite the fact that the invoices were not paid within 10 days, it does not appear that any fee was charged or paid as called for on the face of CSC's invoices.

campaign had possession of the bus for only six days and suggest that the bus was leased to others with the pro-Didrickson banner on it. This is an issue that this Office intends to examine through informal discovery.

The invoice for advertising via the pro-Didrickson banner for the period from January 9 through February 8, 1998, totaling \$3,330, was promptly issued by CSC on February 11, 1998. However, as of the date of this report, this amount has still not been paid. The invoices for (1) the use of the bus for two days in early to mid February, totaling \$1,000; (2) advertising via the banner from February 9 through 28, 1998, at a cost of \$3,340; (3) and the \$400 to remove the banner were not issued until March 4, 1998. Like the invoice from February 11, 1998, these amounts have not been paid. Thus, disclosure reports show that the Didrickson campaign still owes CSC \$8,100.8 No late fee has been charged according to disclosure reports. In short, CSC sent invoices out months or weeks after services were rendered and failed to charge the late fee specified on the face of their invoices. Accordingly, further information is required before this Office can determine whether this credit was extended to the Didrickson campaign in the ordinary course of business.

### V. SUMMARY

In summary, the Didrickson campaign appears to have violated Section 434(b) by failing to report debt incurred during 1997, totaling over \$49,000. Additionally, the information at hand raises a number of questions about the terms of the agreement for the charter bus and advertising via such bus, possibly amounting to an in-kind corporate contribution. In light of the limited information at hand, an investigation appears necessary. Accordingly, this Office recommends that the Commission find reason to believe that Didrickson for U.S. Senate and its treasurer,

The Didrickson campaign currently reports cash on hand of \$4,316.58 and debts totaling \$159,113.31. The campaign has submitted a debt settlement plan regarding debt owed to Instant Printing, which is currently under review by this Office. The campaign's debt settlement plan identifies CSC as an "incorporated commercial vendor" which it owes \$8,100. CSC is one of 34 creditors identified by the Didrickson campaign.

violated 2 U.S.C. §§ 434(b) 9 and 441b(a) and the Chicago Sightseeing Company, Inc. d/b/a/
American Sightseeing Company violated 2 U.S.C. § 441b(a). This Office intends to investigate
these issues expeditiously, seeking information from the Didrickson campaign and CSC through
written questions and document requests and by researching the fair market value of the services
at issue.

### VI. RECOMMENDATIONS

- 1. Find reason to believe that Didrickson for U.S. Senate and Tom Hughes, as treasurer, violated 2 U.S.C. §§ 434(b) and 441b(a).
- 2. Find reason to believe that the Chicago Sightseeing Company, Inc. d/b/a/ American Sightseeing Company violated 2 U.S.C. § 441b(a).
  - 3. Approve the attached factual and legal analyses (2).
  - 4. Approve the appropriate letters.

Lawrence M. Noble General Counsel

Date

BY:

Lois G. Lerner

Associate General Counsel

### Attachments

- 1. Publicly Available Information/Invoices/FEC Report
- 2. Factual and Legal Analyses (2)

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At this point, there is insufficient information to determine whether the Didrickson campaign's failure to report the expenses for the bus was knowing and willful, as the complainant alleges. Therefore, at this time this Office does not make any recommendations as to the alleged knowing and willful nature of that violation. In addition, as the information currently at hand leaves unclear the involvement of any of CSC's officers, no recommendations for possible Section 441b violations are made regarding them at this time.

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American Political Network
The Hotline
Volume 10 No. 174
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February 11, 1998

SENATE REPORT ILLINOIS: CATCHING FLAK FOR CATCHING A BUS

Comp. Loleta Didrickson's (R) campaign "scrambled" on 2/9 to file updated FEC reports after acknowledging it had failed to disclose the cost of a large bus emblazoned with her logo. Didrickson "initially suggested" there was nothing wrong with the fact that no payments appeared on her Senate FEC report for the bus she has used since 11/97. But her GOP foe, state Sen. Peter Ftizgerald (R), questioned whether she was concealing debts to keep money available to finance TV spots. But Didrickson press sec. Ed Marshall said on 2/9 a bill for the bus "wrongly had been submitted" for payment with tax funds to the IL comp.'s office. Marshall also noted a second bill for decorating the sides of the bus with "Loleta '98, U.S. Senate," was also omitted from the FEC report by Didrickson's accounting firm. Marshall: "It was an oversight on the accountant's] part. The bus company incorrectly submitted their invoice. They sent it to the comptroller, and they've had to reissue their invoiceto the Didrickson for Senate campaign." Fitzgerald spokesperson Mike Cys suggested Didrickson may be "deferring or covering up" expenses, and also said she should make public copies of the bus contract, bus-related bills and a bus co. rate sheet, but Marshall did not produce such documents on 2/9 (Doubek, Arlington Heights Daily Herald, 2/10).

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The State Journal-Register Springfield, IL Copyright 1998

Sunday, February 15, 1998

### EDITORIAL

Woodson expected to make another run for mayor Bernard Schoenburg is political columnist for The State Journal-Register.

Woodson expected to make another run for mayor

Forget the March 17 primary. Some of the hottest races in springfield in recent years have been for mayor, and it looks as if the 1999 race will get under way pretty quickly.

In fact, former Ward 10 Ald. ALLAN WOODSON, who made a run for mayor 1995, is expected to make it known next week that, yes, he's going to try again.

Mayor KAREN HASARA has already said she'll be a candidate in the election next spring.

In the non-partisan primary in February 1995, Republican Hasara got 33.8 percent to 26.5 percent for former Democratic state Rep. MIKE CURRAN, and those two ended up facing off in the April general election. Behind the two primary winners, and thus out of the runoff, were Woodson, who got 20.9 percent, and then-incumbent OSSIE LANGFELDER, with 18.7 percent. Just spell it right

That old saying about not caring whether your name gets printed so long as it's spelled right apparently rings true with KENT GRAY of Springfield, executive assistant to Illinois Comptroller LOLETA DIDRICKSON.

In the suddenly nasty campaign for the GOP U.S. Senate nomination between Didrickson and state Sen. PETER FITZGERALD, R-Inverness, the Fitzgerald campaign last week alleged that Didrickson and some state staff members had made more than 65 campaign-related telephone calls from state phones. Nineteen were said to be made by Gray. But the Fitzgerald statement has his name spelled "Grey."

MIKE CYS, Fitzgerald's campaign manager, said Gray, who is also working on the Didrickson campaign effort, called the Fitzgerald campaign saying, "Hey, just want to let you know that you spelled my

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name wrong."

"I said we apologize," Cys recalled saying, "and we'll make sure it's spelled correctly on the FEC (Federal Election Commission) complaint."

Gray, who also served on the campaign advance team of BOB DOLE in 1996, is listed by Fitzgerald as making calls to such places as the National Republican Senatorial Committee and the Republican Coalition for Choice.

ED MARSHALL, spokesman for Didrickson, said Fitzgerald knows the calls were reimbursed because his campaign was given the canceled checks. The allegations are part of a "pattern of distortions and lies that has dogged the Fitzgerald campaign team for years."

GREG STEVENS of Fitzgerald's media firm, Stevens Reed Curcio of "Alexandria, Va., was dismissed from the 1996 re-election campaign of U.S. Sen. John Warner, R-Va., after it was discovered a television ad Used an altered photo to make it look as if the challenger was shaking hands with former Virginia Gov. DOUGLAS WILDER, who is African-American. Marshall called that ad racist.

 $\mathbb{Q}$ Cys has said no tainted ads will be used in Fitzgerald's campaign.

Cys also said the argument that the Didrickson employees paid for the calls is not the point. Payments for the calls are really campaign donations from the employees that should be reported, he said, and, while the Didrickson camp denies it, Cys said there's a pattern of her using state employees on state time to campaign.

Meanwhile, the Didrickson campaign was forced to admit that it made a mistake in not reporting any expenditure or debt on a recent campaign finance report for use of a rented bus sporting a big "Loleta '98" message.

Wolf & Co., the accounting firm for Didrickson, last week filed an amended finance report and an apology for any embarrassment.

Fitzgerald says the market value of the use of the bus should be reported and is much higher than what is being claimed by Didrickson.

"If she doesn't pay that back, she's guilty of accepting an illegal, in-kind corporate contribution over \$100,000," Fitzgerald said in Springfield. The Fitzgerald campaign assumes nobody else can use the "Loleta" bus because of the advertising it carries.

Marshall said the amended report was to show costs of about \$6,400, covering the decorating and daily rental when used.

FRAN FERRONE, a member of the family that owns American Sightseeing, which provided the bus, told the Arlington Heights Daily Herald that

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the cost for the bus could go as high as \$800 per day, but told the newspaper later that Didrickson was charged \$500 per day.

The \$100,000 allegation? Typically wrong, Marshall said. "They never let the facts get in the way of a good story."

Add to all this a new Fitzgerald TV ad accusing Didrickson of having been "more liberal on taxes than (U.S. Sen.) CAROL MOSELEY-BRAUN when they first served together in the Illinois House." The ad says Didrickson "voted for over 100 tax increases."

Didrickson on Friday said in a statement that Fitzgerald has voted further "more than 60 tax increases and fee hikes totaling hundreds of millions of dollars."

Thus dishonest and sad when Peter Fitzgerald says, 'Only Fitzgerald that the best anti-tax record," she said, noting an earlier Fitzgerald ad.

A new Didrickson ad also features Didrickson talking about honesty and trust and cites a Chicago columnist's characterization of Fitzgerald's campaign as slippery and dishonest.

Didrickson also has accused Fitzgerald of ducking debates. Fitzgerald responded that he's agreed to two televised debates. "I think that's the normal debate schedule for a U.S. Senate campaign," he said.

Every little bit helps

So, do the facts that Orland Park Mayor DAN McLAUGHLIN is from the south suburbs and has a ballot-friendly Irish name have anything to do with his receiving the endorsement for state treasurer from Illinois House Speaker MICHAEL MADIGAN, D-Chicago?

"I don't think that hurts him," said Madigan spokesman STEVE BROWN.
"It certainly is not an impediment."

Madigan has endorsed two candidates from Orland Park -- McLaughlin and Police Chief TIM McCARTHY for secretary of state.

It is, of course, political lore in Illinois that people with Irish names get elected more easily than others. And the south suburbs have House districts Democrats must hold in order for Madigan to have the best chance of keeping a Democratic majority.

The other candidate for the Democratic nomination for state treasurer, Calumet City Mayor JERRY GENOVA, noted that his city is a southeast suburb, and three key races for Madigan are in the southwest suburbs such as Orland Park.

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"I've got, I think, a good relationship with the speaker, and I respect him, and obviously I will solicit his support in the general" election, Genova said. "What's going on at the moment is understandable."

Genova said he'll have the campaign money to get his message out, and he has key endorsements, including Citizen Action and the Independent Voters of Illinois.

McLaughlin lists endorsements of several labor local leaders, and officials including McCarthy, U.S. Rep. BILL LIPINSKI, D-Chicago, and former state Sen. JEREMIAH JOYCE, D-Chicago.

Brown said that Madigan is having some of his staffers, who are taking leaves to work on campaigns in selected districts starting this week, also distribute literature for gubernatorial candidate and U.S. Rep. GLENN POSHARD, D-Marion. Madigan views that action as less than a formal endorsement for Poshard, Brown said.

No, his name is not "Mim." The Associated Press reporter helping cover the Statehouse this spring session is JIM MERRINER. A typing selip-up inadvertently gave him a wrong name in Thursday's column.

---- INDEX REFERENCES ----

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(Publication page references are not available for this document.)

Chicago Tribune Copyright 1998

Wednesday, March 4, 1998

METRO CHICAGO

DIDRICKSON ENDS FREE RIDE IN STATE CAR
Bob Kemper; Douglas Holt, Tribune Staff Writers.

After nearly two months of criticism over campaign finances, U.S. Senate candidate Loleta Didrickson is putting her financial house in order.

Didrickson, the state comptroller, traveled to campaign events since November in a chauffeured, state-leased car. Until now, she has not repaid the state or disclosed her use of the car, despite federal rules requiring both.

Didrickson has insisted that her campaign met all applicable laws. But last week, shortly after reporters began to inquire about the car, the campaign paid the state \$875.44 to cover those expenses retroactively to November, according to a campaign finance report released Tuesday.

Campaign spokesman Edward Marshall said the mileage payments did not show up on a January disclosure report because "we're doing that quarterly."

In her latest report to the Federal Election Commission, Didrickson also accounted for routine campaign expenses omitted from a January report: computer rentals, Downstate office rental and the rental of a bus wrapped with a huge "Loleta 98" sign.

And she repaid the state \$109 for campaign-related phone calls that her staff made from the comptroller's office, the report shows.

Didrickson's campaign took in \$1.2 million between Jan. 1 and Feb. 25--well short of her \$2 million goal--and spent \$1.07 million, the report shows. Her debt doubled from December to February, to \$118,270.

She raised an estimated \$75,000 more in a whirlwind

ATTACHMENT

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(Publication page references are not available for this document.)

fundraising trip to Washington on Tuesday.

Her opponent for the GOP nomination, state Sen. Peter Fitzgerald of Inverness, plans to release his disclosure forms Thursday.

Didrickson's failure to report campaign expenses--particularly the use of taxpayer-subsidized car--has provided fodder for Fitzgerald, who tried to portray her as reckless with taxpayers' money.

Illinois gives Didrickson free rein in her use of the state car. She and other constitutional officers are exempt from laws barring most public employees from using state cars for personal business.

But state officials and experts on federal election laws said Didrickson overstepped her bounds by using state cars for campaign events without reporting it or repaying the state.

Other constitutional officers--including the lieutenant governor, treasurer, attorney general and secretary of state--said they either don't use state-owned vehicles for political trips or repay the state if they do.

### ---- INDEX REFERENCES ----

KEY WORDS: OFFICIAL; CANDIDATE; ILLINOIS; ISSUE; REPORT; FINANCE

CAMPAIGN VEHICLE; STATE

NEWS SUBJECT: Politics (PLT)

GOVERNMENT: State Government (STE)

REGION: Illinois; United States; North America (IL US NME)

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## **CHICAGO**



### AMERICAN SIGHTSEEING CHICAGO

27 East Monroe Street Suite 515

Chicago, Illinois 60603, USA

Operated by: Chicago Sightseeing Co., Inc.

Direct prepaid vouchers and checks to:

Chicago Sightseeing Co., Inc.

President: Donald Ferrone

Vice-President: Francis Ferrone

Telephone: (312) 251-3100 Toll free: (800) 621-4153 Fax: (312) 251-3108

Telex: 4951607

Internet Address: http://www.sightseeing.com

E-mail: info@sightseeing.com

Member: ASTA, ABA, NAEM, HSMA, CAMPI,

**PCMA** 

Related Links Reservation Request Form Photo Gallery

### **GENERAL INFORMATION**

Coupons: Coupons are acceptable from all recognized travel agencies. Advice should be forwarded with net payment, giving name of individuals, hotel, and name and date of tour. Arrangements will be made by telephone and we will call for clients at any near-Loop hotel or station.

Daylight Savings Time: All schedules operate on Daylight Savings Time when in effect.

Children: Under five, not occupying seat, free; under twelve, half fare.

Foreign Speaking Guide Service: Interpreter guides are available to clients for sightseeing at \$150.00 – 4 hours or less; after \$30.00 per hour additional. Rate for technical visits \$35.00 per hour (minimum 4 hours). Subject to change.

Charters: Charter bus service is available to all points in the United States.

Special Tours for Groups: Send for Group Tariff. Departures anytime, and charters for all occasions.

Meet and Greet Service: Available at Airport, Railroad Station, and Hotels. Meet and Greet for English Speaking – \$100.00 for 3 hours or less, \$30.00 per hour thereafter; Foreign Speaking – \$150.00 for 3 hours or less, \$30.00 per hour thereafter.

Credit Cards: None.

### TRANSFER SERVICE

### Railroad Station to Downtown Hotels:

8 Passenger Van	\$90.00
15 Passenger Bus	120.00
20 Passenger Bus	145.00
40 Passenger Bus	160.00
47 Passenger Bus	170.00
55 Passenger Rus	190.00

### O'Hare OR Midway Airport to Downtown Hotels

8 Passenger Van	130.00
15 Passenger Bus	190.00
20 Passenger Bus	230.00
40 Passenger Bus	250.00
47 Passenger Bus	260.00
55 Passenger Bus	300.00

Above rates subject to Airport tax of \$36.00 - this tax subject to change by city.

Service after 10:00 p.m. to 6:00 a.m. - surcharge of \$50.00 per bus will apply.

Transfer service allows a maximum of 1 hour waiting time at airport for delayed flights, with 2 hours total time. If service is not completed within 2 hours a charge of \$50.00 per hour per bus will be added.

### SIGHTSEEING - COMMISSIONABLE

Main Starting Point: Palmer House, 17 East Monroe Street. Courtesy pick up service from all Downtown/near North Hotels, with reservations.

\*High Season \*\*Off Season

Adult Comm. Child Comm. (5-11)

Page Q of Q



CONTACT:

EDWARD MARSHALL

312-782-1998

JOI RIEMER 312-512-3696 (PAGER)

### Loleta Didrickson for US Senate - Bus tour announcement schedule

WEDNESDAY, NOVEMBER 5, 1997

9:45AM

Chicago - James R. Thompson Center Plaza

100 West Randolph

12:00PM

Springfield - Old State Capital Plaza (South Front)

3:15PM

Charleston - Begin three day state bus trip

Coles County Courthouse, Courthouse Square

7:00PM

Mt. Vernon - Jefferson County Courthouse

100 South Tenth Street

Thursday, November 6, 1997

8:00AM

Carbondale - Train Depot, 105 South Illinois Avenue

11:00AM

Belleville - Belleville Area College, Room 2564 (History/Politics Class)

2500 Cariyle Avenue

11:20AM

Media availability outside building in front of bus.

3:00PM

Peoria - Peoria Civic Center Plaza

201 South West Jefferson

4:30PM

Galesburg - Jumers Lodge, I-72 and East Main

5:00PM

Rock Island - Augustana College, Wallenberg Hail

3520 Seventh Avenue

FRIDAY, NOVEMBER 7, 1997

9:00AM

Rockford - Midway Museum & Village (media availability at Gazebo)

6799 Guilford Road

12:00PM

Rosemont - Rosemont Theater Plaza, 5400 River Road

2:00PM

Naperville - Naperville Riverwalk, Corner of Eagle & Jackson Street

5:COPM

Flossmoor - Flossmoor Country Club

1441 South Western Avenue

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13/1019 1724 N. Ladictle/Suite 924 / Childrago, il 90602 1/11, 150-1578 | Fax: 312/782-1974

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1998 Feb.

Mr. Jim Riemer, DIDTRICKSON FOR SENATE

Room 924 - 134 N. LaSalle Street, Chicago, Il. 60602

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1993	RE: SENATE CAMPAIGN SERVICE				
NOV. 5-	One Bus - Daily - Contract Rate for four (4) continuous Days - Charter Service w/tax	00 005 \$	0	\$2,000.00	00
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CHICAGO SIGHTSEEINGGEUNGMAN, 120年43 。 3日65 PALMER HOUSE-HILTON 27 EAST MONROE SUITE 515 CHICAGO, ILLINOIS 60603

Jan. 10, 1998

Mr. Jim Riemer - Didrickson for Senate

134 N. LaSalle St. Suite 924, Chicago, Il. 60602

1991	RE: ADVERTISING FOR LOLETA DIDRICKSON'S BUS			
NOV.	One Month's Advertising for Loleta Didrickson's Wrapped Bus - Monthly Rate		\$3,360	00
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PHONE (312) 251-3100 FAX (312) 251-3108

# ANERICAN SIGHTSEENG TOURS

CHICAGO SIGHTSEEING COMPANY, INC.
PALMER HOUSE-HILTON 27 EAST MONROE SUITE 515
CHICAGO, ILLINOIS 60603

11200

INVOICE

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Jan. 10, 1998

Mr. Jim Riemer - Loleta Didrickson for Senate

Ste.924 134 North LaSalle St. Chicago, Il. 60602

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PHONE (312) 251-3100 FAX (312) 251-3108

# AMERICAN SIGHTSEEING TOURS

SUITE 515 CHICAGO SIGHTSEEING COMPANY, INC. HILTON 27 EAST MONROE CHICAGO, ILLINOIS 60603 PALMER HOUSE-HILTON

11267

INVOICE

Feb.11, 1998

Mr. Jim Riemer, Didrickson for Senate

134 N. LaSalle St. Chicago, Il. 60602 Suite 924,

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	\$3,360		
RE: ADVERTISING OF LOLETA DIDRICKSON'S BUS	One Month's ADVERTISING for Loleta Didrickson's Wrapped Bus - Monthly Rate		
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PHONE (312) 251-3100 FAX (312) 251-3108

### AMERICAN SIGHTSEEING TOURS

INVOICE

CHICAGO SIGHTSEEING COMPANY, INC. PALMER HOUSE-HILTON 27 EAST MONROE SUITE 515

11295

CHICAGO, ILLINOIS 60603

March 4, 19y8

Mr. Jim Riemer

Didrickson for U.S. senate

134 North LaSalle Street, Suite 916, Enicago, Ill. 60602

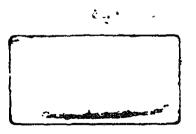
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PHONE (312) 251-3100 FAX (312) 251-3108

### AMERICAN SIGHTSEEING TOURS

CHICAGO SIGHTSEEING COMPANY, INC.

PALMER HOUSE-HILTON 27 EAST MONROE SUITE 515 CHICAGO, ILLINOIS 60603 INVOICE

11295

March 4, 1998

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Mr.	Jim	Riemer

Didrickson for U.S. Senate

134 North LaSalle Street, Suite 916, Chicago, Ill. 60602

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PHONE (312) 251-3100 FAX (312) 251-3108

### **AMERICAN SIGHTSEEING TOURS**

CHICAGO SIGHTSEEING COMPANY, INC.

PALMER HOUSE-HILTON 27 EAST MONROE SUITE 515 CHICAGO, ILLINOIS 60603

March 4, 1998

INVOICE

11296

Mr. Jim Riemer

Diarickson for U.S. Senate

134 North LaSalle Street, Suite 916, Chicago, 111. 60602

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Advertising Wrap

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PHONE (312) 251-3100 FAX (312) 251-3106

### American Sightseeing Tours

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CHICAGO SIGHTSEEING COMPANY, INC.
PALMER HOUSE-HILTON 27 EAST MONROE SUITE

E-HILTON 27 EAST MONROE SUITE 515 CHICAGO, ILLINOIS 60803 1129

March 4, 1998

Mr. Jim Riemar - Didrickson For Senate

Room 924 - 134 N. LaSalle St. Chicago, 11. 60602

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PAYMENT DUE WITHIN 10 DAYS
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### CONTRACT CANCELLATION

As of February 19, 1998, the Agreement between the Loleta Didrickson for U.S. Senate Committee and American Sightseeing for the use of a decorated tour bus in connection with the campaign of Loleta Didrickson is hereby terminated. Excepting only payment for prior use of the bus, the parties are mutually released from any and all obligations arising under this contract.

This comract cancellation is effective upon signature by the parties.

American Sightseeing

Didrickson for U.S.-Strate

Didricison for U.S. Sencos 134 N. LoSofie Suite 924 Chicago, il. 60602 312/782-1998 Fee: 312/782-1974 www.loleta<sup>OB</sup>.com

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# ACE Sign co.

### Signs of All Kinds Since 1940

402 N. FOURTH . SPRINGFIELD. IL 62702 . (217) 522-8417 . FAX (217) 522-6842

Didrickson for Senate	Nove	nber 17,	1997
INVOICE	DESITS	CREDITS	BALANCE
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ATTACHMENT Page 19 of 27



February 10, 1998

Secretary of the Senate
Office of Public Records
232 Senate Hart Office Building
Washington DC 20510-7166

Dear Sir.

Enclosed please find an amended copy of the Didrickson for U.S. Senate (FEC Identification Number C00331116) January 31 year-end report. Our accompling firm, in error, neglected to disclose all obligations incurred prior to December 31, 1997 (See letter attached).

To adhere to the strictest of several interpretations of FEC law, the attached amendment discloses all obligations incurred though many were not involved until after January 1, 1998. If you require any additional information feel free to contact either myself (312.782.1998), or our accountants Wolf & Company (630.545.4500).

Sincerelya

Jim Riemer

Campaign Manager

Attachments (2)

cc: Illinois State Board of Elections

Didrickson for U.S. Senate 134 N. LaSalie Suite 924 Chicago, il. 60602 312/782-1978 Fax: 312/782-1974 www.loleta98.com

Poid for by Distriction for U.S. Senote: Federal law requires us to use our best ellorits to collect and report the name, miding address, occupation and name of employer of individuals whose contributions exceed \$200 in a collector year. Contributions to this committee are not ford-educable for Federal Income tax purposes. Contributions contributions contributions of the googless.

1997 YE AMENDED

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February 10:1508.

Ms. Trudy Nichel
Finance Director
Didrickson for U.S. Senste
134 North LaSalle #916
Chicago IL 60602

Dear Trudy:

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In reviewing the Semi-annual report for Didrickson for U.S. Senate which was alied January 31, 1998, we have discovered that we inadvertently omitted some accounts payable that should have been disclosed. In accordance with FEC law, waste lodgy preparing an amendment which will fully disclose the accounts payable as of December 31, 1997.

We have set in place procedures which will insure full disclosure of payables in future reports.

We emphasize that there was no deliberate attempt to hide any pertinent information from the public. As the amendment will show, the payables are of a routine nature and the bills, which have been paid, will be so disclosed on the FEC report to be issued on March 2.

We applied to the Didrickson campaign for any embarrassment our oversight may have caused.

Sincerely.

Joel G. Herter Senior Partner

Page J of

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11) SUBTOTALS this Feriod This Page (Optional)
12) TOTAL This Period (last page only)
13) TOTAL OUTSTANDING LOANS from Schedule C-P (last page only)
14) ADD 2) and 3) and carry forward to appropriate line of Summary Page

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Shereton Chlosoo 301 B. Worth Water Street Chicago, IL 60611	0,66	19690.00	
Purpose: Event facility			
Ushman Communication Company Inc. An Ann 1888 Springfield, IL 62705	0.00		
Purposé:Phone system installation	•	762.71	762.71
Wolf & Company 2100 Clearwater Drive Cak Brook, 71, 60523	0.00	į į	
Purpose: Professional services	. 	4800.00	4800.00

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(1) SUBTOTALS this Period This Page (Optional)	ı	25252.71
12) TOTAL This Period (last page only)	1	103862.50
)3) TOTAL OUTSTANDING LOANS from Schedule C (last page only)	1	
(4) ADD 2) and 3) and carry forward to appropriate line of Summary Page	i	

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ATTACHMENT / Page 2) of 22

American Political Network
The Hotline
Volume 10 No. 174
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February 11, 1998

### SENATE REPORT ILLINOIS: CATCHING FLAK FOR CATCHING A BUS

Comp. Loleta Didrickson's (R) campaign "scrambled" on 2/9 to file updated FEC reports after acknowledging it had failed to disclose the cost of a large bus emblazoned with her logo. Didrickson "initially suggested" there was nothing wrong with the fact that no payments appeared on her Senate FEC report for the bus she has used since 11/97. But her GOP foe, state Sen. Peter Ftizgerald (R), questioned whether she was concealing debts to keep money available to finance TV spots. But Didrickson press sec. Ed Marshall said on 2/9 a bill for the bus "wrongly had been submitted" for payment with tax funds to the IL comp.'s office. Marshall also noted a second bill for decorating the sides of the bus with "Loleta '98, U.S. Senate." was also omitted from the FEC report by Didrickson's accounting firm. Marshall: "It was an oversight on the accountant's part. The bus company incorrectly submitted their invoice. They sent it to the comptroller, and they've had to reissue their invoiceto the Didrickson for Senate campaign." Fitzgerald spokesperson Mike Cvs suggested Didrickson may be "deferring or covering up" expenses, and also said she should make public copies of the bus contract, bus-related bills and a bus co. rate sheet, but Marshall did not produce such documents on 2/9 (Doubek, Arlington Heights Daily Herald, 2/10).

2/11/98 APN-HO 21 2/11/98 APN-HO 21

----- Excerpt from page (Publication page references are not available for this document.)

ATTACHMENT OF TO



# FEDERAL ELECTION COMMISSION Washington, DC 20463

THE OF							
MEMORANDUM TO:	Office of the Commission Secretary						
FROM:	Office of General Counsel VO						
DATE:							
SUBJECT:	MUR 4	4721 - 1	First General Counsel's Repor	t			
The attached is sul Meeting of		d as aı	n Agenda document for the Co	mmission			
Open Session		<b>.</b>	Closed Session	. <del></del>			
CIRCULATIONS	-		DISTRIBUTION				
SENSITIVE 🖂			COMPLIANCE				
72 Hour TALLY VOT	E	$\boxtimes$	Open/Closed Letters				
24 Hour TALLY VOT	Ε		MUR DSP				
24 Hour NO OBJEC	TION		STATUS SHEETS				
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			RATING SHEETS				
			AUDIT MATTERS				
			LITIGATION				
			ADVISORY OPINIONS				
			REGULATIONS				
			OTHER				



### FEDERAL ELECTION COMMISSION

Washington, DC 20463

### **MEMORANDUM**

TO:

LAWRENCE M. NOBLE

**GENERAL COUNSEL** 

FROM

MARJORIE W. EMMONS/VENESHE FEREBEE-VINI

COMMISSION SECRETARY

DATE:

**FEBRUARY 8, 1999** 

SUBJECT: MUR 4721 - First General Counsel's Report

dated February 2, 1999.

The above-captioned document was circulated to the Commission

### on Wednesday, February 3, 1999.

Objection(s) have been received from the Commissioner(s) as

indicated by the name(s) checked below:

Commissioner Elliott	XXX
Commissioner Mason	
Commissioner McDonald	
Commissioner Sandstrom	
Commissioner Thomas	
Commissioner Wold	

This matter will be placed on the meeting agenda for

### Tuesday, February 23, 1999.

Please notify us who will represent your Division before the Commission on this matter.